

PCS for HB 911

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1 A bill to be entitled
2 An act relating to insurance adjusters; amending s.
3 624.501, F.S.; deleting a fee for an original or
4 renewal license for an adjusting firm; amending s.
5 626.015, F.S.; conforming a cross-reference; amending
6 s. 626.022, F.S.; revising applicability of the
7 Licensing Procedures Law to include adjusting firms;
8 amending s. 626.112, F.S.; prohibiting certain
9 entities from acting as insurance adjusting firms
10 without specified licenses; providing an exemption;
11 providing construction; specifying that an unlicensed
12 firm is subject to a certain administrative penalty;
13 deleting a requirement for the Department of Financial
14 Services to automatically convert a certain
15 registration to an insurance agency license as of a
16 certain date; amending s. 626.854, F.S.; redefining
17 the term "public adjuster"; deleting a certain
18 prohibited act of a public adjuster; deleting a
19 provision specifying the method for an insured or
20 claimant to provide certain notice to an insurer;
21 providing construction relating to certain limitations
22 on insurance claim payments and public adjuster
23 compensation; revising a prohibition against certain
24 entities relating to a contract or power of attorney
25 that vests certain authority in a property insurance

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26 | claim; conforming a cross-reference; prohibiting
 27 | persons from conducting certain activities relating to
 28 | insurance claims; providing an exception for attorneys
 29 | and public adjusters; repealing s. 626.8541, F.S.,
 30 | relating to public adjuster apprentices; amending s.
 31 | 626.8548, F.S.; redefining the term "all-lines
 32 | adjuster"; creating s. 626.8561, F.S.; defining the
 33 | term "public adjuster apprentice"; amending s.
 34 | 626.8584, F.S.; redefining the term "nonresident all-
 35 | lines adjuster"; amending s. 626.861, F.S.; revising
 36 | construction relating to employees of an insurer;
 37 | amending s. 626.864, F.S.; revising the permissible
 38 | appointments of all-lines adjusters; amending s.
 39 | 626.865, F.S.; revising the qualifications for
 40 | licensure for public adjusters; amending s. 626.8651,
 41 | F.S.; requiring public adjuster apprentices to be
 42 | appointed, rather than licensed, by the department;
 43 | specifying qualifications for such; appointments;
 44 | revising requirements and limitations for public
 45 | adjusting firms and public adjusters who supervise
 46 | public adjuster apprentices; revising certain
 47 | prohibited acts and exceptions to such acts of public
 48 | adjuster apprentices; conforming provisions to changes
 49 | made by the act; amending s. 626.8695, F.S.; revising
 50 | requirements for designating primary adjusters;

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51 redefining the term "primary adjuster"; revising the
 52 accountability of a primary adjuster for persons under
 53 his or her supervision; revising a prohibition against
 54 an adjusting firm location conducting insurance
 55 business under certain circumstances; revising
 56 procedures for an adjusting firm to determine a
 57 person's current licensure status; amending s.
 58 626.8696, F.S.; revising conditions for the issuance
 59 of an adjusting firm license; revising application
 60 requirements for such license; providing rulemaking
 61 authority of the department; prohibiting the
 62 department from requiring certain information on an
 63 application; providing for expiration of such license;
 64 repealing s. 626.872, F.S., relating to all-lines
 65 adjuster temporary licenses; amending s. 626.874,
 66 F.S.; revising conditions for the department to issue
 67 adjuster licenses in the event of catastrophes or
 68 emergencies; amending s. 626.875, F.S.; revising the
 69 minimum time period in a records retention requirement
 70 for adjusters; amending s. 626.876, F.S.; revising
 71 certain prohibitions relating to exclusive employment
 72 of public adjusters and all-lines adjusters; repealing
 73 s. 626.879, F.S., relating to pools of insurance
 74 adjusters; amending s. 626.9953, F.S.; conforming a
 75 cross-reference; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (20) of section 624.501, Florida Statutes, is amended to read:

624.501 Filing, license, appointment, and miscellaneous fees.—The department, commission, or office, as appropriate, shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows:

~~(20) Adjusting firm, original or renewal 3-year license \$60.00~~

Section 2. Subsection (1) of section 626.015, Florida Statutes, is amended to read:

626.015 Definitions.—

(1) "Adjuster" means a public adjuster as defined in s. 626.854, ~~a public adjuster apprentice as defined in s. 626.8541,~~ or an all-lines adjuster as defined in s. 626.8548.

Section 3. Subsection (1) of section 626.022, Florida Statutes, is amended to read:

626.022 Scope of part.—

(1) This part applies as to insurance agents, service representatives, adjusters, adjusting firms, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other

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101 types of insurers, except that:

102 (a) It does not apply as to reinsurance, except that ss.
 103 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.
 104 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-
 105 626.591, and ss. 626.601-626.711 shall apply as to reinsurance
 106 intermediaries as defined in s. 626.7492.

107 (b) The applicability of this chapter as to fraternal
 108 benefit societies shall be as provided in chapter 632.

109 (c) It does not apply to a bail bond agent, as defined in
 110 s. 648.25, except as provided in chapter 648 or chapter 903.

111 (d) This part does not apply to a certified public
 112 accountant licensed under chapter 473 who is acting within the
 113 scope of the practice of public accounting, as defined in s.
 114 473.302, provided that the activities of the certified public
 115 accountant are limited to advising a client of the necessity of
 116 obtaining insurance, the amount of insurance needed, or the line
 117 of coverage needed, and provided that the certified public
 118 accountant does not directly or indirectly receive or share in
 119 any commission or referral fee.

120 Section 4. Subsection (7) of section 626.112, Florida
 121 Statutes, is amended to read:

122 626.112 License and appointment required; agents, customer
 123 representatives, adjusters, insurance agencies, adjusting firms,
 124 service representatives, managing general agents.—

125 (7)(a) An individual, firm, partnership, corporation,

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126 | association, or other entity may ~~shall~~ not act in its own name
 127 | or under a trade name, directly or indirectly, as an insurance
 128 | agency unless it complies with s. 626.172 with respect to
 129 | possessing an insurance agency license for each place of
 130 | business at which it engages in an activity that may be
 131 | performed only by a licensed insurance agent. However, an
 132 | insurance agency that is owned and operated by a single licensed
 133 | agent conducting business in his or her individual name and not
 134 | employing or otherwise using the services of or appointing other
 135 | licensees is ~~shall be~~ exempt from the agency licensing
 136 | requirements of this subsection.

137 | (b) A branch place of business that is established by a
 138 | licensed agency is considered a branch agency and is not
 139 | required to be licensed so long as it transacts business under
 140 | the same name and federal tax identification number as the
 141 | licensed agency and has designated with the department a
 142 | licensed agent in charge of the branch location as required by
 143 | s. 626.0428 and the address and telephone number of the branch
 144 | location have been submitted to the department for inclusion in
 145 | the licensing record of the licensed agency within 30 days after
 146 | insurance transactions begin at the branch location.

147 | (c) An individual, a firm, a partnership, a corporation,
 148 | an association, or any other entity may not act in its own name
 149 | or under a trade name, directly or indirectly, as an adjusting
 150 | firm unless it possesses an adjusting firm license under s.

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151 626.8696 for each place of business at which it engages in an
 152 activity that may be performed only by a licensed adjuster.
 153 However, an insurance company authorized to transact insurance
 154 in this state which directly appoints adjusters, or an adjusting
 155 firm that is owned and operated by a single licensed adjuster
 156 who is conducting business in his or her individual name and who
 157 is not employing or otherwise using the services of or
 158 appointing other licensees, is exempt from the adjusting firm
 159 licensing requirements of this subsection.

160 (d) A branch place of business that is established by a
 161 licensed adjusting firm is considered a branch firm and is not
 162 required to be licensed so long as:

163 1. It transacts business under the same name and federal
 164 tax identification number as the licensed adjusting firm;

165 2. It has designated with the department a licensed
 166 primary adjuster in charge of the branch firm as required by s.
 167 626.8695; and

168 3. Within 30 days after insurance transactions begin at
 169 the branch firm, the address and telephone number of the branch
 170 firm are submitted to the department for inclusion in the
 171 licensing record of the licensed adjusting firm.

172 (e)-(e) If an agency or firm is required to be licensed but
 173 fails to file an application for licensure in accordance with
 174 this section, the department must ~~shall~~ impose on the agency or
 175 firm an administrative penalty of up to \$2,500 for a first

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176 | violation and up to \$10,000 for any subsequent violation.

177 | ~~(d) Effective October 1, 2015, the department must~~
 178 | ~~automatically convert the registration of an approved registered~~
 179 | ~~insurance agency to an insurance agency license.~~

180 | Section 5. Subsections (7) through (19) of section
 181 | 626.854, Florida Statutes, are renumbered as subsections (6)
 182 | through (18), respectively, present subsections (1), (6), (7),
 183 | (11), (18), and (19) are amended, and a new subsection (19) is
 184 | added to that section, to read:

185 | 626.854 "Public adjuster" defined; prohibitions.—The
 186 | Legislature finds that it is necessary for the protection of the
 187 | public to regulate public insurance adjusters and to prevent the
 188 | unauthorized practice of law.

189 | (1) A "public adjuster" is any person, except a duly
 190 | licensed attorney at law as exempted under s. 626.860, who, for
 191 | money, commission, or any other thing of value, directly or
 192 | indirectly prepares, completes, or files an insurance claim ~~form~~
 193 | for an insured or third-party claimant or who, for money,
 194 | commission, or any other thing of value, acts on behalf of, or
 195 | aids an insured or third-party claimant in negotiating for or
 196 | effecting the settlement of a claim or claims for loss or damage
 197 | covered by an insurance contract or who advertises for
 198 | employment as an adjuster of such claims. The term also includes
 199 | any person who, for money, commission, or any other thing of
 200 | value, directly or indirectly solicits, investigates, or adjusts

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201 such claims on behalf of a public adjuster, an insured, or a
 202 third-party claimant, unless such person is performing duties
 203 under another professional license.

204 ~~(6) A public adjuster may not directly or indirectly~~
 205 ~~through any other person or entity initiate contact or engage in~~
 206 ~~face-to-face or telephonic solicitation or enter into a contract~~
 207 ~~with any insured or claimant under an insurance policy until at~~
 208 ~~least 48 hours after the occurrence of an event that may be the~~
 209 ~~subject of a claim under the insurance policy unless contact is~~
 210 ~~initiated by the insured or claimant.~~

211 (6)(7) An insured or claimant may cancel a public
 212 adjuster's contract to adjust a claim without penalty or
 213 obligation within 3 business days after the date on which the
 214 contract is executed or within 3 business days after the date on
 215 which the insured or claimant has notified the insurer of the
 216 claim, ~~by phone or in writing,~~ whichever is later. The public
 217 adjuster's contract must disclose to the insured or claimant his
 218 or her right to cancel the contract and advise the insured or
 219 claimant that notice of cancellation must be submitted in
 220 writing and sent by certified mail, return receipt requested, or
 221 other form of mailing that provides proof thereof, to the public
 222 adjuster at the address specified in the contract; provided,
 223 during any state of emergency as declared by the Governor and
 224 for 1 year after the date of loss, the insured or claimant has 5
 225 business days after the date on which the contract is executed

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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226 | to cancel a public adjuster's contract.

227 | (10) (a) ~~(11) (a)~~ If a public adjuster enters into a contract
 228 | with an insured or claimant to reopen a claim or file a
 229 | supplemental claim that seeks additional payments for a claim
 230 | that has been previously paid in part or in full or settled by
 231 | the insurer, the public adjuster may not charge, agree to, or
 232 | accept from any source compensation, payment, commission, fee,
 233 | or any other thing of value based on a previous settlement or
 234 | previous claim payments by the insurer for the same cause of
 235 | loss. The charge, compensation, payment, commission, fee, or any
 236 | other thing of value must be based only on the claim payments or
 237 | settlement obtained through the work of the public adjuster
 238 | after entering into the contract with the insured or claimant.
 239 | Compensation for the reopened or supplemental claim may not
 240 | exceed 20 percent of the reopened or supplemental claim payment.
 241 | In no event shall the contracts described in this paragraph
 242 | exceed the limitations in paragraph (b).

243 | (b) A public adjuster may not charge, agree to, or accept
 244 | from any source compensation, payment, commission, fee, or any
 245 | other thing of value in excess of:

246 | 1. Ten percent of the amount of insurance claim payments
 247 | made by the insurer for claims based on events that are the
 248 | subject of a declaration of a state of emergency by the
 249 | Governor. This provision applies to claims made during the year
 250 | after the declaration of emergency. After that year, the

251 limitations in subparagraph 2. apply.

252 2. Twenty percent of the amount of insurance claim
 253 payments made by the insurer for claims that are not based on
 254 events that are the subject of a declaration of a state of
 255 emergency by the Governor.

256 (c) Insurance claim payments made by the insurer do not
 257 include policy deductibles, and public adjuster compensation may
 258 not be based on the deductible portion of a claim.

259 (d) Any maneuver, shift, or device through which the
 260 limits on compensation set forth in this subsection are exceeded
 261 is a violation of this chapter punishable as provided under s.
 262 626.8698.

263 ~~(17)-(18)~~ A public adjuster, a public adjuster apprentice,
 264 or a person acting on behalf of an adjuster or apprentice may
 265 not enter into a contract or accept a power of attorney that
 266 vests in the public adjuster, the public adjuster apprentice, or
 267 the person acting on behalf of the adjuster or apprentice the
 268 effective authority to choose the persons or entities that will
 269 perform salvage, repair, or any other work in a property
 270 insurance claim.

271 ~~(18)-(19)~~ Subsections (5)-(17) ~~(5)-(18)~~ apply only to
 272 residential property insurance policies and condominium unit
 273 owner policies as described in s. 718.111(11).

274 (19) Except as otherwise provided in this chapter, no
 275 person, except an attorney at law or a public adjuster, may for

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276 money, commission, or any other thing of value, directly or
 277 indirectly:

278 (a) Prepare, complete, or file an insurance claim for an
 279 insured or a third-party claimant;

280 (b) Act on behalf of or aid an insured or a third-party
 281 claimant in negotiating for or effecting the settlement of a
 282 claim for loss or damage covered by an insurance contract;

283 (c) Advertise for employment as a public adjuster; or

284 (d) Solicit, investigate, or adjust such claims on behalf
 285 of a public adjuster, an insured, or a third-party claimant.

286 Section 6. Section 626.8541, Florida Statutes, is
 287 repealed.

288 Section 7. Section 626.8548, Florida Statutes, is amended
 289 to read:

290 626.8548 "All-lines adjuster" defined.—An "all-lines
 291 adjuster" is a person who, for money, commission, or any other
 292 thing of value, directly or indirectly ~~is self-employed or~~
 293 ~~employed by an insurer, a wholly owned subsidiary of an insurer,~~
 294 ~~or an independent adjusting firm or other independent adjuster,~~
 295 ~~and who~~ undertakes on behalf of a public adjuster or an insurer
 296 ~~or other insurers under common control or ownership~~ to ascertain
 297 and determine the amount of any claim, loss, or damage payable
 298 under an insurance contract or undertakes to effect settlement
 299 of such claim, loss, or damage. The term also includes any
 300 person who, for money, commission, or any other thing of value,

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301 directly or indirectly solicits claims on behalf of a public
 302 adjuster, but does not include paid spokespersons used as part
 303 of a written or electronic advertisement. The term does not
 304 apply to life insurance or annuity contracts.

305 Section 8. Section 626.8561, Florida Statutes, is created
 306 to read:

307 626.8561 "Public adjuster apprentice" defined.—The term
 308 "public adjuster apprentice" means a person licensed as an all-
 309 lines adjuster who:

310 (1) Is appointed and employed or contracted by a public
 311 adjuster or a public adjusting firm;

312 (2) Assists the public adjuster or public adjusting firm
 313 in ascertaining and determining the amount of any claim, loss,
 314 or damage payable under an insurance contract, or who undertakes
 315 to effect settlement of such claim, loss, or damage; and

316 (3) Satisfies the requirements of s. 626.8651.

317 Section 9. Subsection (3) of section 626.8584, Florida
 318 Statutes, is amended to read:

319 626.8584 "Nonresident all-lines adjuster" defined.—A
 320 "nonresident all-lines adjuster" means a person who:

321 (3) Is licensed as an all-lines adjuster and self-
 322 appointed or appointed and employed or contracted by an
 323 independent adjusting firm or other independent adjuster, by an
 324 insurer admitted to do business in this state or a wholly owned
 325 subsidiary of an insurer admitted to do business in this state,

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326 | or by a public adjuster or a public adjusting firm ~~other~~
 327 | ~~insurers under the common control or ownership of such insurer.~~

328 | Section 10. Subsection (1) of section 626.861, Florida
 329 | Statutes, is amended to read:

330 | 626.861 Insurer's officers, insurer's employees,
 331 | reciprocal insurer's representatives; adjustments by.—

332 | (1) ~~Nothing in~~ This part may not ~~shall~~ be construed to
 333 | prevent an executive officer of any insurer, an ~~or a regularly~~
 334 | ~~salari~~ed employee of an insurer handling claims with respect to
 335 | health insurance, an employee of an insurer handling claims with
 336 | respect to residential property insurance in which the amount of
 337 | coverage for the applicable type of loss is contractually
 338 | limited to \$500 or less, or the duly designated attorney or
 339 | agent authorized and acting for subscribers to reciprocal
 340 | insurers, ~~from~~ adjusting any claim loss or damage under any
 341 | insurance contract of such insurer.

342 | Section 11. Subsection (3) of section 626.864, Florida
 343 | Statutes, is amended to read:

344 | 626.864 Adjuster license types.—

345 | (3) An all-lines adjuster may be appointed as an
 346 | independent adjuster, public adjuster apprentice, or company
 347 | employee adjuster, but not more than one of these ~~both~~
 348 | concurrently.

349 | Section 12. Paragraphs (d) and (e) of subsection (1) of
 350 | section 626.865, Florida Statutes, are amended to read:

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351 626.865 Public adjuster's qualifications, bond.—

352 (1) The department shall issue a license to an applicant
 353 for a public adjuster's license upon determining that the
 354 applicant has paid the applicable fees specified in s. 624.501
 355 and possesses the following qualifications:

356 (d) Has had sufficient experience, training, or
 357 instruction concerning the adjusting of damages or losses under
 358 insurance contracts, other than life and annuity contracts, is
 359 sufficiently informed as to the terms and effects of the
 360 provisions of those types of insurance contracts, and possesses
 361 adequate knowledge of the laws of this state relating to such
 362 contracts as to enable and qualify him or her to engage in the
 363 business of insurance adjuster fairly and without injury to the
 364 public or any member thereof with whom the applicant may have
 365 business as a public adjuster, ~~or has been licensed and employed~~
 366 ~~as a resident insurance company adjuster or independent adjuster~~
 367 ~~in this state on a continual basis for the past year.~~

368 (e) Has been licensed in this state as an all-lines
 369 adjuster, and has been appointed on a continual basis for the
 370 previous 6 months ~~is licensed~~ as a public adjuster apprentice
 371 under s. 626.8561, as an independent adjuster under s. 626.855,
 372 or as a company employee adjuster under s. 626.856 ~~s. 626.8651~~
 373 ~~and complies with the requirements of that license throughout~~
 374 ~~the licensure period.~~

375 Section 13. Section 626.8651, Florida Statutes, is amended

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376 to read:

377 626.8651 Public adjuster apprentice appointment ~~license~~;
 378 qualifications.—

379 (1) (a) The department shall issue an appointment ~~a license~~
 380 as a public adjuster apprentice to a licensee who ~~an applicant~~
 381 ~~who is~~:

382 1. Is licensed as an all-lines adjuster under s. 626.866;

383 2. Has filed with the department a bond executed and
 384 issued by a surety insurer that is authorized to transact such
 385 business in this state in the amount of \$50,000, which is
 386 conditioned upon the faithful performance of his or her duties
 387 as a public adjuster apprentice; and

388 3. Maintains such bond unimpaired throughout the existence
 389 of the appointment and for at least 1 year after termination of
 390 the appointment.

391 (b) The bond must be in favor of the department and must
 392 specifically authorize recovery by the department of the damages
 393 sustained in case the licensee commits fraud or unfair practices
 394 in connection with his or her business as a public adjuster
 395 apprentice. The aggregate liability of the surety for all such
 396 damages may not exceed the amount of the bond, and the bond may
 397 not be terminated by the issuing insurer unless written notice
 398 of at least 30 days is given to the licensee and filed with the
 399 department ~~(a) A natural person at least 18 years of age.~~

400 ~~(b) A United States citizen or legal alien who possesses~~

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401 ~~work authorization from the United States Bureau of Citizenship~~
 402 ~~and Immigration Services.~~

403 ~~(c) Trustworthy and has such business reputation as would~~
 404 ~~reasonably ensure that the applicant will conduct business as a~~
 405 ~~public adjuster apprentice fairly and in good faith and without~~
 406 ~~detriment to the public.~~

407 ~~(2) All applicable license fees, as prescribed in s.~~
 408 ~~624.501, must be paid in full before issuance of the license.~~

409 ~~(3) An applicant must pass the required written~~
 410 ~~examination before a license may be issued.~~

411 ~~(4) An applicant must have received designation as an~~
 412 ~~Accredited Claims Adjuster (ACA), as a Certified Adjuster (CA),~~
 413 ~~or as a Certified Claims Adjuster (CCA) after completion of~~
 414 ~~training that qualifies the applicant to engage in the business~~
 415 ~~of a public adjuster apprentice fairly and without injury to the~~
 416 ~~public. Such training and instruction must address adjusting~~
 417 ~~damages and losses under insurance contracts, the terms and~~
 418 ~~effects of insurance contracts, and knowledge of the laws of~~
 419 ~~this state relating to insurance contracts.~~

420 ~~(5) At the time of application for license as a public~~
 421 ~~adjuster apprentice, the applicant shall file with the~~
 422 ~~department a bond executed and issued by a surety insurer~~
 423 ~~authorized to transact such business in this state in the amount~~
 424 ~~of \$50,000, conditioned upon the faithful performance of his or~~
 425 ~~her duties as a public adjuster apprentice under the license for~~

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426 | ~~which the applicant has applied, and thereafter maintain the~~
 427 | ~~bond unimpaired throughout the existence of the license and for~~
 428 | ~~at least 1 year after termination of the license. The bond shall~~
 429 | ~~be in favor of the department and shall specifically authorize~~
 430 | ~~recovery by the department of the damages sustained in case the~~
 431 | ~~licensee commits fraud or unfair practices in connection with~~
 432 | ~~his or her business as a public adjuster apprentice. The~~
 433 | ~~aggregate liability of the surety for all such damages may not~~
 434 | ~~exceed the amount of the bond, and the bond may not be~~
 435 | ~~terminated by the issuing insurer unless written notice of at~~
 436 | ~~least 30 days is given to the licensee and filed with the~~
 437 | ~~department.~~

438 | ~~(6) A public adjuster apprentice shall complete at a~~
 439 | ~~minimum 100 hours of employment per month for 12 months of~~
 440 | ~~employment under the supervision of a licensed and appointed~~
 441 | ~~all-lines public adjuster in order to qualify for licensure as a~~
 442 | ~~public adjuster. The department may adopt rules that establish~~
 443 | ~~standards for such employment requirements.~~

444 | ~~(2)(7)~~ An appointing public adjusting firm may not
 445 | maintain more than four ~~12~~ public adjuster apprentices
 446 | simultaneously. However, a supervising public adjuster may not
 447 | be responsible for more than one ~~three~~ public adjuster
 448 | apprentice ~~apprentices~~ simultaneously and shall be accountable
 449 | for the acts of the all public adjuster apprentice ~~apprentices~~
 450 | which are related to transacting business as a public adjuster

451 apprentice. This subsection does not apply to a public adjusting
 452 firm that adjusts claims primarily for commercial entities with
 453 operations in more than one state and that does not directly or
 454 indirectly perform adjusting services for insurers or individual
 455 homeowners.

456 ~~(8) An apprentice license is effective for 18 months~~
 457 ~~unless the license expires due to lack of maintaining an~~
 458 ~~appointment; is surrendered by the licensee; is terminated,~~
 459 ~~suspended, or revoked by the department; or is canceled by the~~
 460 ~~department upon issuance of a public adjuster license. The~~
 461 ~~department may not issue a public adjuster apprentice license to~~
 462 ~~any individual who has held such a license in this state within~~
 463 ~~2 years after expiration, surrender, termination, revocation, or~~
 464 ~~cancellation of the license.~~

465 ~~(9) After completing the requirements for employment as a~~
 466 ~~public adjuster apprentice, the licensee may file an application~~
 467 ~~for a public adjuster license. The applicant and supervising~~
 468 ~~public adjuster or public adjusting firm must each file a sworn~~
 469 ~~affidavit, on a form prescribed by the department, verifying~~
 470 ~~that the employment of the public adjuster apprentice meets the~~
 471 ~~requirements of this section.~~

472 ~~(10) In no event shall a public adjuster apprentice~~
 473 ~~licensed under this section perform any of the functions for~~
 474 ~~which a public adjuster's license is required after expiration~~
 475 ~~of the public adjuster apprentice license without having~~

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476 | ~~obtained a public adjuster license.~~

477 | (3)~~(11)~~ A public adjuster apprentice has the same
 478 | authority as the licensed public adjuster or public adjusting
 479 | firm that employs the apprentice except that an apprentice may
 480 | not execute contracts for the services of a public adjuster or
 481 | public adjusting firm ~~and may not solicit contracts for the~~
 482 | ~~services except under the direct supervision and guidance of the~~
 483 | ~~supervisory public adjuster.~~ An individual may not be, act as,
 484 | or hold himself or herself out to be a public adjuster
 485 | apprentice unless the individual is licensed as an all-lines
 486 | adjuster and holds a current appointment by a licensed public
 487 | all-lines adjuster or a public adjusting firm that employs a
 488 | licensed ~~all-lines~~ public adjuster.

489 | Section 14. Section 626.8695, Florida Statutes, is amended
 490 | to read:

491 | 626.8695 Primary adjuster.—

492 | (1) Each business location established by an adjuster,
 493 | ~~person operating~~ an adjusting firm, a corporation, or an
 494 | association ~~and each location of a multiple location adjusting~~
 495 | ~~firm~~ must designate with the department a primary adjuster who
 496 | is licensed and appointed to adjust the insurance claims
 497 | adjusted by the business location.

498 | (2) An adjusting firm and each of its branch firm shall
 499 | designate a primary adjuster ~~for each such firm or location~~ and
 500 | ~~must~~ file with the department, at the department's designated

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501 website, the name and license number of such primary adjuster
 502 and the physical address of the adjusting firm or branch firm
 503 location where he or she is the primary adjuster, ~~on a form~~
 504 ~~approved by the department~~. The designation of the primary
 505 adjuster may be changed at the option of the adjusting firm. Any
 506 such change is effective upon notification to the department.
 507 Notice of change must be provided ~~sent~~ to the department within
 508 30 days after such change.

509 ~~(3)(2)(a)~~ For purposes of this section, a "primary
 510 adjuster" is the licensed adjuster who is responsible for the
 511 ~~hiring and~~ supervision of all individuals within an adjusting
 512 firm location who act ~~deal with the public and who acts~~ in the
 513 capacity of a ~~public adjuster as defined in s. 626.854, or an~~
 514 ~~independent~~ adjuster as defined in this chapter ~~s. 626.855~~. An
 515 adjuster may be designated as a primary adjuster for more than
 516 ~~only~~ one adjusting firm location provided no person engages in
 517 activity requiring licensure as an adjuster at any location when
 518 an adjuster is not physically present.

519 ~~(4)(b)~~ For purposes of this section, an "adjusting firm"
 520 is a location where an independent or public adjuster is engaged
 521 in the business of insurance.

522 ~~(5)(3)~~ The department may suspend or revoke the license of
 523 the primary adjuster if the adjusting firm employs or contracts
 524 any person who has had a license denied or any person whose
 525 license is currently suspended or revoked. However, if a person

526 | has been denied a license for failure to pass a required
 527 | examination, he or she may be employed or contracted to perform
 528 | clerical or administrative functions for which licensure is not
 529 | required.

530 | ~~(6)(4)~~ The primary adjuster in an ~~unincorporated~~ adjusting
 531 | firm, ~~or the primary adjuster in an incorporated adjusting firm~~
 532 | ~~in which no officer, director, or stockholder is an adjuster,~~ is
 533 | ~~responsible and~~ accountable for misconduct or violations of this
 534 | code committed by the primary adjuster or by any other person
 535 | ~~the acts of salaried employees~~ under his or her direct
 536 | supervision ~~and control~~ while acting on behalf of the adjusting
 537 | firm. This section does not render a primary adjuster ~~Nothing in~~
 538 | ~~this section renders any person~~ criminally liable for an ~~or~~
 539 | ~~subject to any disciplinary proceedings for any~~ act unless the
 540 | primary adjuster ~~person~~ personally committed the act or knew or
 541 | should have known of the act and of the facts constituting a
 542 | violation of this code.

543 | ~~(7)(5)~~ The department may suspend or revoke the license of
 544 | any adjuster who is employed or contracted by a person whose
 545 | license is currently suspended or revoked.

546 | ~~(8)(6)~~ An adjusting firm location may not conduct the
 547 | business of insurance unless a primary adjuster is designated
 548 | and provides services to the firm at all times. If the Failure
 549 | ~~of the person operating the adjusting firm to designate a~~
 550 | primary adjuster designated with the department ends his or her

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551 affiliation with the firm for any reason and if the firm fails
 552 to designate another primary adjuster, as required in subsection
 553 (2), within 90 days, the firm license automatically expires on
 554 the 91st day after the date the designated primary adjuster
 555 ended his or her affiliation with ~~for the firm, or for each~~
 556 ~~location, as applicable, on a form prescribed by the department~~
 557 ~~within 30 days after inception of the firm or change of primary~~
 558 ~~adjuster designation, constitutes grounds for requiring the~~
 559 ~~adjusting firm to obtain an adjusting firm license pursuant to~~
 560 ~~s. 626.8696.~~

561 (9) ~~(7)~~ Any adjusting firm may determine a request, ~~on a~~
 562 ~~form prescribed by the department, verification from the~~
 563 ~~department of any person's current licensure status~~ by
 564 submitting an appointment request. ~~If a request is mailed to the~~
 565 ~~office~~ within 5 working days after the date an adjuster is
 566 hired. ~~If, and~~ the department subsequently notifies the
 567 adjusting firm that its appointee's ~~an employee's~~ license is
 568 currently suspended, revoked, or has been denied, the license of
 569 the primary adjuster may ~~shall~~ not be revoked or suspended if
 570 the unlicensed person is immediately dismissed from employment
 571 as an adjuster with the firm.

572 Section 15. Section 626.8696, Florida Statutes, is amended
 573 to read:

574 626.8696 Application for adjusting firm license.—

575 (1) The department may issue an adjusting firm license to

576 | a person only after the person files a written application with
 577 | the department and qualifies for such license.

578 | (2) An application for an adjusting firm license must be
 579 | signed by an individual required to be listed in the application
 580 | under paragraph (a). An adjusting firm may authorize a third
 581 | party to complete, submit, and sign an application on the firm's
 582 | behalf. However, the firm must ensure that the information on
 583 | the application is true and correct, and the firm is accountable
 584 | for any misstatement or misrepresentation. The application for
 585 | an adjusting firm license must include:

586 | (a) The name of each majority owner, partner, officer, ~~and~~
 587 | director, president, senior vice president, secretary,
 588 | treasurer, and limited liability company member who directs or
 589 | participates in the management or control of the adjusting firm.

590 | (b) The resident address of each person required to be
 591 | listed in the application under paragraph (a).

592 | (c) The name, ~~of the adjusting firm and its~~ principal
 593 | business street address, and valid e-mail address of the
 594 | adjusting firm, and the name, street address, and e-mail address
 595 | of the firm's registered agent, person, or company authorized to
 596 | accept service on behalf of the firm.

597 | (d) The physical address ~~location~~ of each branch adjusting
 598 | firm, including its name, e-mail address, and telephone number,
 599 | and the date that the branch firm began transacting insurance
 600 | business ~~office and the name under which each office conducts or~~

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601 ~~will conduct business.~~

602 (e) The name of the primary adjuster in full-time charge
 603 of the adjusting firm office, including branch firms, and his or
 604 her corresponding location.

605 (f) The fingerprints of each of the following:

606 1. A sole proprietor, if the applicant is a sole
 607 proprietor;

608 2. Each individual required to be listed in the
 609 application under paragraph (a); and

610 3. Each individual who directs or participates in the
 611 management or control of an incorporated firm whose shares are
 612 not traded on a securities exchange.

613
 614 Fingerprints must be taken by a law enforcement agency or other
 615 entity approved by the department, must be accompanied by the
 616 fingerprint processing fee specified in s. 624.501, and must be
 617 processed in accordance with s. 624.34. However, fingerprints
 618 need not be filed for an individual who is currently licensed
 619 and appointed under this chapter. This paragraph does not apply
 620 to corporations whose voting shares are traded on a securities
 621 exchange.

622 (g) ~~(e)~~ Such ~~Any~~ additional information that the department
 623 requires by rule to ascertain the trustworthiness and competence
 624 of persons required to be listed on the application and to
 625 ascertain that such persons meet the requirements of this code.

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626 However, the department may not require that credit or character
 627 reports be submitted for such persons.

628 ~~(2) An application for an adjusting firm license must be~~
 629 ~~signed by each owner of the firm. If the firm is incorporated,~~
 630 ~~the application must be signed by the president and secretary of~~
 631 ~~the corporation.~~

632 ~~(3) Each application must be accompanied by payment of any~~
 633 ~~applicable fee as prescribed in s. 624.501.~~

634 ~~(4) License fees are not refundable.~~

635 (3)(5) The license of an adjusting firm continues in force
 636 until it is canceled, required to be licensed pursuant to s.
 637 626.8695 must remain so licensed for a period of 3 years from
 638 the date of licensure, unless the license is suspended, or
 639 revoked or until it is otherwise terminated or expires by
 640 operation of law. The department may suspend or revoke the
 641 adjusting firm's authority to do business for activities
 642 occurring during the time the firm is licensed, regardless of
 643 whether the licensing period has terminated.

644 Section 16. Section 626.872, Florida Statutes, is
 645 repealed.

646 Section 17. Subsection (1) of section 626.874, Florida
 647 Statutes, is amended to read:

648 626.874 Catastrophe or emergency adjusters.—

649 (1) In the event of a catastrophe or emergency, the
 650 department may issue a license, for the purposes and under the

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651 conditions and for the period of emergency as it shall
 652 determine, to persons who are residents or nonresidents of this
 653 state, who are at least 18 years of age, who are United States
 654 citizens or legal aliens who possess work authorization from the
 655 United States Bureau of Citizenship and Immigration Services,
 656 and who are not licensed adjusters under this part but who have
 657 been designated and certified to it as qualified to act as
 658 adjusters ~~by all-lines resident adjusters,~~ by an authorized
 659 insurer, ~~or by a licensed general lines agent~~ to adjust claims,
 660 losses, or damages under policies or contracts of insurance
 661 issued by such insurers, or by the primary adjuster of an
 662 independent adjusting firm contracted with an authorized insurer
 663 to adjust claims on behalf of the insurer. The fee for the
 664 license is as provided in s. 624.501(12)(c).

665 Section 18. Subsection (2) of section 626.875, Florida
 666 Statutes, is amended to read:

667 626.875 Office and records.—

668 (2) The records of the adjuster relating to a particular
 669 claim or loss shall be so retained in the adjuster's place of
 670 business for a period of not less than 5 ~~3~~ years after
 671 completion of the adjustment. This provision shall not be deemed
 672 to prohibit return or delivery to the insurer or insured of
 673 documents furnished to or prepared by the adjuster and required
 674 by the insurer or insured to be returned or delivered thereto.

675 Section 19. Section 626.876, Florida Statutes, is amended

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676 to read:

677 626.876 Exclusive employment; public adjusters, all-lines
 678 ~~independent~~ adjusters.—

679 (1) An individual licensed ~~and appointed~~ as a public
 680 adjuster may not be simultaneously licensed as an all-lines
 681 adjuster ~~employed during the same period by more than one public~~
 682 ~~adjuster or public adjuster firm or corporation.~~

683 (2) An individual licensed as an all-lines adjuster and
 684 appointed as an independent adjuster, a company employee
 685 adjuster, or a public adjuster apprentice may not be
 686 simultaneously appointed, contracted, or employed as an adjuster
 687 that requires a different appointment type ~~during the same~~
 688 ~~period by more than one independent adjuster or independent~~
 689 ~~adjuster firm or corporation.~~

690 Section 20. Section 626.879, Florida Statutes, is
 691 repealed.

692 Section 21. Subsection (5) of section 626.9953, Florida
 693 Statutes, is amended to read:

694 626.9953 Qualifications for registration; application
 695 required.—

696 (5) An applicant must submit a set of his or her
 697 fingerprints to the department and pay the processing fee
 698 established under s. 624.501(23) ~~s. 624.501(24)~~. The department
 699 shall submit the applicant's fingerprints to the Department of
 700 Law Enforcement for processing state criminal history records

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701 | checks and local criminal records checks through local law
702 | enforcement agencies and for forwarding to the Federal Bureau of
703 | Investigation for national criminal history records checks. The
704 | fingerprints shall be taken by a law enforcement agency, a
705 | designated examination center, or another department-approved
706 | entity. The department may not approve an application for
707 | registration as a navigator if fingerprints have not been
708 | submitted.

709 | Section 22. This act shall take effect January 1, 2018.